

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

* * * * *

TINA LINDQUIST, *
Plaintiff * Case No.
vs. * 04-249E
HEIM L.P., *
Defendant *

* * * * *

DEPOSITION OF
TINA LINDQUIST
June 28, 2005

COPY

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1 Q. Describe the chair for me.

2 A. It was black, and it's one
3 where you can adjust the height. It
4 just has legs, it doesn't have any
5 wheels on it and it had a back to it,
6 a little one. There was no arms on
7 it.

8 Q. How far away was the chair
9 position from the press?

10 A. I don't know, this far away.

11 Q. Length of a sheet of paper?

12 A. Little bit longer than the
13 sheet of paper.

14 Q. And where would the foot
15 switch be during those first few
16 processes?

17 A. It would be on the floor, by
18 the machine on the right.

19 Q. Is that because you're right
20 handed, you use your right foot to
21 apply the foot switch?

22 A. Yeah.

23 Q. Okay, and would your foot ---
24 so it sounds like you could position
25 the metal into the die area without

1 standing up?

2 A. Yeah.

3 Q. And would your foot remain in
4 the foot switch during this time?

5 A. No, I'd move it away from it,
6 over to by my chair, and then when I
7 had the part in there, then I'd move
8 it up, because it was right beside
9 the machine. I would just move it up
10 then and hit the pedal.

11 Q. Describe the foot switch for
12 me.

13 A. I don't know, it looked like a
14 foot switch. I think it was yellow,
15 I'm not sure. It had just the pedal
16 on it, and when you step on it, it
17 would just make it touch the ground,
18 or you know, touch the bottom.

19 Q. Did it have a covered roof or
20 housing over it?

21 A. I don't remember, I'm not
22 positive.

23 Q. You don't remember if you had
24 to stick your foot into it or whether
25 or not you could just step on top of

1 it?

2 A. No, it was just, you'd move it
3 over to it, just slide it over to the
4 foot pedal and do it.

5 Q. My question was simply, do you
6 not remember if it had a housing over
7 it or if it was just an exposed
8 pedal?

9 A. I don't remember.

10 Q. Was there any writing on the
11 foot switch?

12 A. I don't think so, I never
13 noticed any if there was.

14 Q. Do you know if the foot switch
15 was sold with the Heim press brake
16 when the press brake was sold in
17 1978?

18 A. I don't know.

19 Q. Do you know who installed that
20 foot switch?

21 A. I don't know.

22 Q. Do you know who the
23 manufacturer was of that foot switch?

24 A. Don't know.

25 ATTORNEY ROBINSON:

1 doing those steps one and two. Is
2 that the same as this step that you
3 were performing when you were
4 injured?

5 A. I would sit and stand, I mean,
6 I don't know if I would've sit more
7 than I would stand. I would switch
8 back and forth. I would sit for a
9 little bit, then if my legs get
10 tired, I'd move the chair and I'd
11 stand and do it.

12 Q. You were sitting at the time
13 of this incident, weren't you?

14 A. Yeah, I was sitting at the
15 time of the incident.

16 Q. So you were actually
17 performing this step while you were
18 sitting in front of the press brake.
19 Was your foot inside the foot switch,
20 the housing of the foot switch that
21 we saw in one of those photographs?

22 A. It wasn't inside of it. I
23 took it away from it after I had
24 finished the last part, to get the
25 other part to put it on there.

1 Q. Okay. Then how did the
2 machine operate?

3 A. You'd form it --- you mean,
4 how did it run with my accident?

5 Q. Yeah.

6 A. I don't know, I don't know if
7 my foot slipped or what it was, but
8 the pedal got hit somehow. I don't
9 know how.

10 Q. Many of the OSHA records and
11 investigative records from Corry said
12 that you had your foot inside the
13 housing of the foot switch, resting
14 on it and that you accidentally
15 bumped it.

16 ATTORNEY HARTMAN:

17 I'm going to object and
18 if you're going to ask a
19 question based on OSHA
20 records, I would ask you to
21 produce such a record that
22 makes that statement and
23 question her on that. We are
24 not going to testify as to
25 your recitation of what OSHA

1 records say. If they say what
2 you say they said, I would ask
3 you to produce it. Otherwise,
4 ask your question as to what
5 happened.

6 BY ATTORNEY ROBINSON:

7 Q. Is that what you were doing?

8 A. No, it wasn't resting on the
9 pedal, it was away from it.

10 Q. Do you know of any way you can
11 apply the pedal if your foot is not
12 inside the housing?

13 A. If it got --- if it would slip
14 or something into it, it wasn't like
15 the thing you pushed was way up off
16 the ground and you had to lift your
17 foot up all the way to put it in
18 there. It was wide enough, the hole
19 was, to be able to fit it, you know,
20 slide it in there.

21 Q. How high up was the pedal off
22 of the ground?

23 A. It was right on the ground.
24 The whole foot pedal was right on the
25 ground.

1 Q. Isn't there a space between
2 the actual foot switch, the actual
3 foot lever and then the ground?

4 A. A little bit, I don't know. I
5 never got on the ground to see how
6 far off of it it was.

7 Q. Can you give any estimate as
8 to how far off the ground the foot
9 lever was?

10 A. No, because you can't see it
11 from when you're sitting or standing.
12 You'd have to get on the ground, eye
13 level with it to see.

14 Q. Was there a piece of metal
15 that acted as a door for the foot
16 switch, so that if you wanted to put
17 your foot in, you'd actually have to
18 push back the piece of metal and then
19 push down?

20 A. No, I don't think so.

21 Q. Do you know the answer to that
22 question?

23 A. No, what do you mean? I'm
24 confused, a door that would close it?
25 Cover the hole?

1 Q. Yes.

2 A. Oh no, there wasn't one of
3 those.

4 Q. Do you have any memory of your
5 foot slipping into the foot switch
6 housing?

7 A. No, I don't know how it
8 happened or anything.

9 Q. When you were using the press
10 brake for the first step, when you
11 would press the foot switch, how many
12 times would the press brake operate?
13 How would it operate?

14 A. It would come down and go back
15 up.

16 Q. And then stop?

17 A. I don't know, after it would
18 come up, I would take my foot off of
19 it, I don't know if you would've kept
20 it on there if it would've kept on
21 going.

22 Q. Did you ever have it keep
23 going?

24 A. No.

25 Q. Okay. And when you would

1 perform the second step, would the
2 same thing be true, that you would
3 push the foot switch, take your foot
4 off, and there would just be one
5 stroke?

6 A. Yes.

7 Q. And would the same be true for
8 the third step, or whatever number it
9 was when you were injured, that you
10 would hit the foot switch and it
11 would perform one stroke, and return
12 to the top and stop?

13 A. You'd hit the foot switch and
14 after it forms the part and it went
15 up, I'd take my foot off the pedal.

16 Q. And did you ever have it,
17 during this process in which you were
18 injured, did you ever have the press
19 brake make more than one rotation
20 after you took your foot off?

21 A. No.

22 Q. Did you ever set the press
23 brake to determine how many times it
24 would operate with one application of
25 the foot switch?

1 A. No.

2 Q. Did you know that there were
3 different settings for that press
4 brake?

5 A. No.

6 Q. Did any of the other press
7 brakes in which you were trained have
8 different settings?

9 A. I didn't run any other press
10 brakes besides that one.

11 Q. Did any of the other presses
12 have different settings to determine
13 how many revolutions the machine
14 would make?

15 A. I don't recall. I don't know
16 for sure. It would usually do just
17 the one and then it would stop.

18 Q. Do you ever use this
19 particular press brake with the
20 continuous running?

21 A. No.

22 Q. Did you ever use this
23 particular press brake with a jog
24 feature, such as you hit it, it would
25 come down a little bit, if you hit it

1 again, it would come down a little
2 bit?

3 A. No.

4 Q. The only setting that you
5 recall using is the single stroke
6 where you'd hit it once, take your
7 foot off and it would go one press,
8 and it would come back and return to
9 the starting position; is that right?

10 A. Yeah, you'd hit it once and it
11 would come down and go back up.

12 Q. Okay. What kind of shoe or
13 boot were you wearing at the time of
14 this incident?

15 A. I was wearing a sneaker.

16 Q. Were you wearing any type of
17 specialized sneaker at all?

18 A. No, there was no --- you
19 didn't have to, just wear a sneaker,
20 that's what you're supposed to wear
21 to work, you didn't have to have
22 steel-toed or anything.

23 Q. I understand you were wearing
24 gloves at the time this happened?

25 A. Yes.

1 Q. Was that a requirement of
2 Corry Manufacturing?

3 A. Some of the parts you were
4 required to because it would be sharp
5 and cut you. It was basically up to
6 the person, if they weren't
7 comfortable wearing it then they
8 didn't have to, but if you were more
9 comfortable doing it, you would. But
10 they recommended that you wear them
11 with more parts than they would.

12 Q. Did you wear any type of
13 safety glasses?

14 A. Yes, I had safety glasses on.

15 Q. And did you have them on at
16 the time of the accident?

17 A. Yes.

18 Q. How long were your fingers
19 inside the die area when you were
20 performing this step in which you
21 were injured?

22 A. I don't know, long enough to
23 squeeze the part around the mandrel,
24 I don't know how long it would take.
25 I never timed it or anything, so I

1 wouldn't even know where to begin to
2 even estimate.

3 Q. So what you had to do, like I
4 understand from your testimony so
5 far, is you had to make sure the
6 product was fastened on those tabs;
7 is that right?

8 A. Yes.

9 Q. And your hands would be inside
10 the die area during that process,
11 wouldn't they?

12 A. Yes.

13 Q. And then you had to actually
14 hand mold, to some extent, the metal
15 around the mandrel; is that right?

16 A. Yes.

17 Q. And your hands would actually
18 be inside the die area during that
19 process; is that right?

20 A. Yes.

21 Q. And then what did you have to
22 do? Did you have to close a gate?

23 A. Yeah, after you got it on the
24 pin, before you hand formed it, you
25 would close the gate.

1 Q. And during that process of
2 closing the gate, your hands would be
3 inside the die area; is that right?

4 A. Yes.

5 Q. So three different aspects of
6 this step, you would actually have
7 your hands inside the die area, like
8 the instructions manual tells you not
9 to do; is that right?

10 A. Yes, but the setup sheet told
11 you to do it.

12 Q. Did you have to do anything
13 else during this step that caused
14 your hands to be inside that die
15 area?

16 A. Just hand form it over the
17 mandrel.

18 Q. Of what we talked about?
19 Putting it on the pins, hand forming
20 it, and closing the gate?

21 A. No.

22 Q. How about when you opened the
23 gate, did your hands also have to be
24 in the die area during that process?

25 A. When you took the part out,

1 after it was formed, yeah.

2 Q. What were you doing --- which
3 part of that process were you doing
4 when the press activated?

5 A. I was hand forming the part on
6 the mandrel.

7 Q. You were hand forming. You
8 said you were sitting on your chair?

9 A. Yeah.

10 Q. How far away was the foot
11 switch from your foot?

12 A. I don't know, it was moved
13 back away from it, but I don't know
14 how many inches or anything, but it
15 was moved back away from it.

16 Q. Do you have a memory of
17 removing your foot completely from
18 the foot switch after you made the
19 previous press? Before you were
20 injured?

21 A. The previous part that I had
22 ran?

23 Q. Yes.

24 A. Yes, my foot, I moved it away
25 from it.

1 Q. And do you have any
2 explanation as to how the press brake
3 operated?

4 A. What do you mean, how it got
5 hit?

6 Q. How it activated, how it
7 started?

8 A. No, I don't know. My foot
9 slipped or something, I don't know.
10 You used oil, so there could have
11 been oil or something, I don't know.

12 Q. So you don't know if your foot
13 slipped and hit the foot switch or
14 not?

15 A. No.

16 Q. Has anyone ever given you any
17 ideas as to how the press brake may
18 have activated?

19 A. No.

20 Q. At the time of your injury?

21 A. No.

22 Q. Do you remember your foot
23 slipping at all?

24 A. No.

25 Q. Do you know if somebody else

1 activated the press brake?

2 A. There was nobody else near me
3 to activate it. I mean, there was
4 people in that side of the building,
5 but there was nobody close enough to
6 be able to hit it.

7 Q. It sounds like after the
8 previous piece, the press brake had
9 made one revolution and stopped; is
10 that right?

11 A. Yes.

12 Q. And then it had stopped for
13 how long before your injury?

14 A. Until I got done putting the
15 other part in. I took that one out
16 and put the other one in. I don't
17 know how long it was.

18 Q. So it didn't just continuously
19 run then?

20 A. No.

21 Q. You didn't accidentally stick
22 your hands in while the machine was
23 running, it sounds like.

24 A. No.

25 Q. You just have no idea how the

1 press brake activated when your hands
2 were in there?

3 A. No.

4 Q. Is that right?

5 A. That's right.

6 Q. Did you ever tell anyone that
7 you had your foot inside the foot
8 switch while you were forming the
9 metal?

10 A. No.

11 ATTORNEY HARTMAN:

12 Paul, you've said that
13 for months and I've not seen
14 any document that says that,
15 and if you have it, just give
16 me the page number.

17 ATTORNEY ROBINSON:

18 Everything's been
19 produced.

20 ATTORNEY HARTMAN:

21 Paul, I'm just asking
22 as a courtesy, if you tell me
23 the page number of whatever
24 document you're referring to.

25 ATTORNEY ROBINSON:

1 anyone, no.

2 Q. I'm just asking because you
3 differentiated and said you did
4 before.

5 A. I just wanted to make sure I
6 understood the question.

7 Q. I don't know have any problem
8 with you asking for clarification. I
9 want you to continue to do that.
10 Have you understood all the questions
11 I've been asking so far?

12 A. Yes.

13 Q. And will you continue to let
14 me know if you don't understand it?

15 A. Yes.

16 Q. Okay, great. Since I happen
17 to be looking at one particular
18 document, PMACNSL0105, that'd be PMA
19 Council, Mr. Bordinero, at 105. Do
20 you know who Graig, G-R-A-I-G, is?
21 Graig, I think it's Mr. but I'm not
22 sure.

23 A. I don't think so.

24 Q. There's reference in here, in
25 this particular document that you

1 were sitting while you were
2 performing this cycle, that part's
3 accurate; right?

4 A. Yeah.

5 Q. And that you leaned forward to
6 take the part out, and in doing so,
7 had her foot on the pedal and
8 accidentally started the cycle that
9 caused the injury.

10 A. No, it's not true.

11 Q. Any idea where that
12 information came from?

13 A. Don't have a clue.

14 Q. You're saying you don't know
15 what caused the press brake to start;
16 is that right?

17 A. No, I don't know.

18 Q. You don't know if you bumped
19 the foot pedal or something else
20 happened?

21 A. I don't know.

22 Q. Paula Murkle has indicated in
23 PMA0155 that while your hands were in
24 the machine, you used the foot pedal
25 to start the machine. Do you know

1 A. Barbara Welton is.

2 ATTORNEY HARTMAN:

3 She used to be, she's
4 not with my firm anymore.

5 ATTORNEY ROBINSON:

6 And did your case go
7 with her?

8 ATTORNEY HARTMAN:

9 The Workers' Comp did.

10 ATTORNEY ROBINSON:

11 I saw there was one
12 item of stationary she signed
13 with your letterhead. I
14 didn't know she had left.

15 BY ATTORNEY ROBINSON:

16 Q. And she's still representing
17 you, then, in your Workers'
18 Compensation proceedings?

19 A. Yeah.

20 Q. Do you have any current plans
21 to settle your Workers' Compensation
22 or compromise your Workers'
23 Compensation claim?

24 A. No, we haven't discussed it.

25 Q. What color do you remember the

1 foot switch being?

2 A. Yellow.

3 Q. And you don't remember
4 damaging the machine in April,
5 specifically April 16 of '02, five
6 months or so before your accident?

7 A. No, I don't remember.

8 Q. By not pulling out some part
9 or taking off some part before you
10 ran the next piece?

11 A. No, I don't remember.

12 Q. Do you remember being put on
13 probation for some absences, for not
14 following some attendance guidelines,
15 or break guidelines?

16 A. I remember being put on
17 probation because I was a couple
18 minutes late coming back from lunch
19 and I did that a few times, and so
20 they put me on probation.

21 Q. And did you have any other
22 disciplinary action, of any sort,
23 taken against you by Corry
24 Manufacturing while you were employed
25 there for almost two years?